

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CORBIN JAMES KENNEDY,
Plaintiff,
v.
FRESNO COUNTY SHERIFF, et al.
Defendants.

No. 1:20-cv-00536-DAD-EPG

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 15)

Plaintiff Corbin James Kennedy is a former¹ pre-trial detainee proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 5, 2020, the assigned magistrate judge screened plaintiff's first amended complaint, finding the pending action failed to state a cognizable claim for relief, and granting plaintiff leave to amend within thirty days after service of the order or to notify the court he wishes to stand on his complaint. (Doc. No. 7.) On August 14, 2020, plaintiff filed a prisoner

¹ Plaintiff was apparently a pre-trial detainee in Fresno County Jail at the time he filed his complaint in this action. (Doc. No. 1.) On April 1, 2021, the court performed searches using plaintiff's last name using the Fresno County Sheriff's inmate locator website, which yielded no records. *See* Fresno County Jail Inmate Search, <https://www.fresnosherriff.org/units/records/inmate-search.html>. Accordingly, this court takes judicial notice of the fact the petitioner is no longer being detained. Fed. R. Evid. 201.

1 civil rights complaint form, but it did not include an amended complaint and instead merely stated
2 “the additional information you are requesting requires an extension of time to complete.” (Doc.
3 No. 10 at 2.) On August 17, 2020, the assigned magistrate judge construed the document filed by
4 plaintiff as a request for an extension of time to respond to the screening order and granted
5 plaintiff an additional forty-five (45) days to respond. (Doc. No. 11.) On September 14, 2020,
6 plaintiff filed a second request for an extension of time to respond to the court’s screening order.
7 (Doc. No. 12.) On September 17, 2020, the assigned magistrate again granted plaintiff an
8 additional forty-five (45) days to respond to the screening order. (Doc. No. 13.)

9 On January 8, 2021, the assigned magistrate judge issued findings and recommendations,
10 recommending that this case be dismissed, without prejudice, because of plaintiff’s failure to
11 comply with a court order and to prosecute this case along with notice that any objections thereto
12 were to be filed within fourteen (14) days from the date of service. (Doc. No. 15 at 3.) These
13 findings and recommendations were served on plaintiff by mail directed to his address of record
14 but were returned to the court as undeliverable on January 15, 2021. Plaintiff has not filed an
15 amended complaint or a response to the screening order nor has plaintiff updated his address of
16 record, and the time to do so has since passed.

17 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
18 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
19 court finds the findings and recommendations to be supported by the record and proper analysis.

20 Accordingly,

- 21 1. The findings and recommendations issued on January 8, 2021, (Doc. No. 15), are
22 adopted in full;
- 23 2. This case is dismissed, without prejudice, because of plaintiff’s failure to comply
24 with a court order and to prosecute this case; and
- 25 3. The Clerk of Court is directed to close this case.

26 IT IS SO ORDERED.

27 Dated: April 2, 2021

28 
UNITED STATES DISTRICT JUDGE